

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

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**NOTICE OF HEARING AND EXPEDITED MOTION FOR AN ORDER  
AUTHORIZING SALE OF ASSETS FREE AND CLEAR OF LIENS**

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To: Parties specified in Local Rule 9013-3.

1. Randall L. Seaver, the duly-appointed Chapter 7 Trustee in the above-referenced bankruptcy case ("**Trustee**"), moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 2:00 p.m. on May 5, 2010 Courtroom No. 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415 or as soon thereafter as counsel can be heard.

3. As this Motion is brought on an expedited basis, any response to this Motion must be filed and served by delivery as soon as possible and suggestion is made that a response should be filed at least twenty-four (24) hours prior to the hearing. **UNLESS A RESPONSE IS TIMELY SERVED AND FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334, Rule 5005 of the Federal Rules of Bankruptcy Procedure, and Local Rules 1070-1 and 1073-1. This is a core proceeding. This case was commenced as a voluntary Chapter 7 proceeding on June 4, 2009. The case is now pending before this Court.

5. This Motion arises under 11 U.S.C. §363(b)(f) and (m) and Bankruptcy Rule 6004. The Trustee seeks to sell nonexempt property to Dan Miller, or his assigns ("**Miller**"). More specifically, the Trustee seeks to sell to Miller the following (which are collectively referred to as the "**Property**"):

All docks and boat lift systems located at 11700 Cross Avenue, Crosslake, Minnesota including the following:

- (1) 5 x 8 Aluminum Framework Dock Section w/ Vinyl Panels
- (34) 5 x 10 Aluminum Framework Dock Section w/ Vinyl Panels
- (5) 4 x 12 Aluminum Framework Dock w/ Vinyl Panels
- (12) 4 x 10 Aluminum Framework Dock w/ Vinyl Panels
- (93) Brock Dock Pipe Covers
- (2) ShoreStation 20100 Boat Lifts with 18' Canopies
- (1) ShoreStation 10531 Double PWC Boat Lift with 13' Canopy
- (2) ShoreStation 1288 Boat Lifts with 18' Canopies
- (1) ShoreStation 10621 Boat Lift
- (1) ShoreStation 50120 Boat Lift
- (2) Telescoping 20 Flag Pole
- (2) Dock Bracket for Telescoping Flag Pole
- (1) 6-Step Dock Stairs
- (1) 6-Foot Vinyl Aluminum Dock Bench
- (2) Carvel Large Dock Box
- (2) Dock Box Stand, Aluminum
- (2) 36' Covered Stairs

(collectively, the "**Dock/Lifts**").

6. The Trustee does not believe that any party holds a perfected non-avoidable security interest in the Dock/Lifts. However, some parties may assert that they hold a security interest in the Dock/Lifts. The sale will be free and clear of any such interests and the interests of any purported secured creditors in the Dock/Lifts would attach to the sale proceeds with the same dignity and priority as those purportedly held at the commencement of this case. Based upon information received by the Trustee, it appears to him that the Dock/Lifts system originally may have cost approximately \$75,000.00.

7. The sale of this same property was approved by the Court earlier in this case, and on the same terms, to the Debtor. However, he never consummated the sale.

8. The Trustee will entertain bids for the Property, prior to the hearing, which exceed Miller's offer. Any buyer, including Miller, must close upon Court approval of this sale.

9. Expedited relief is required as the Trustee will have to expend estate assets to protect the Property. Further, the Trustee has been advised that the optimal time to achieve a sale of these items is prior to Memorial Day weekend.

10. Pursuant to Local Rule 9013-2(c), the Trustee gives notice that he may, if necessary, testify at the hearing regarding the proposed sale.

WHEREFORE, the Trustee moves the court for an order as follows:

1. Authorizing the sale of the Dock/Lifts to Miller, or his assigns for \$25,000.00, with the claimed liens of any claimed secured parties attaching to the sale proceeds with the same dignity and priority as those claimed liens held at the commencement of this case.

2. Authorizing the sale of the Dock/Lifts to any other higher bidder on such terms as are acceptable to the Trustee.

**LEONARD, O'BRIEN  
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: April 23, 2010

By \_\_\_\_\_  
Matthew R. Burton, #210018  
Attorneys for Randall L. Seaver, Trustee  
100 South Fifth Street, Suite 2500  
Minneapolis, Minnesota 55402  
(612) 332-1030

**VERIFICATION**

I, Randall L. Seaver, Trustee of the Bankruptcy Estate of Dennis E. Hecker, the moving party named in the foregoing Notice of Hearing and Motion for an Order Authorizing Sale of Assets Free and Clear of Liens, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: April 23, 2010

/e/ Randall L. Seaver

\_\_\_\_\_  
Randall L. Seaver, Trustee

420700

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

---

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

---

**UNSWORN CERTIFICATE OF SERVICE**

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I hereby certify that on April 23, 2010, I caused the following documents:

***Notice of Hearing and Expedited Motion for an Order Authorizing Sale of Assets Free and Clear of Liens and Order (proposed)***

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

**SEE ATTACHED SERVICE LIST**

Dated: April 23, 2010

/e/ Stephanie Wood

---

Stephanie Wood  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 332-1030

UNITED STATES RENT A CAR  
4744 PARADISE ROAD  
LAS VEGAS,, NV 89121

ACE INSURANCE COMPANY  
P.O. BOX 294836  
CLEVELAND OH 44101

ALDRIDGE, DAN  
1600 KENWOOD PKWY.  
MINNEAPOLIS MN 55405

ALLEN EIDE  
3221 32ND AVENUE SOUTH  
SUITE 900  
GRAND FORKS ND 58201

AMERICAN BANK  
1060 DAKOTA DRIVE  
MENDOTA HEIGHTS MN 55120

AMERICAN EXPRESS  
P. O. BOX 0001  
LOS ANGELES CA 90096

AMERICAN NAT'L BANK OF MN  
7638 WOIDA RD  
BAXTER MN 56425

ANCHOR BANK  
1570 CONCORDIA AVE  
SAINT PAUL MN 55104

ANCHOR BANK  
P.O. BOX 7933  
MADISON WI 53707

AV CARD/OASIS  
164 LAKE FRONT DR  
COCKEYSVILLE MD 21030

AXIS CAPITAL, INC.  
308 N LOCUST ST  
PO BOX 2555  
GRAND ISLAND NE 68802

AXLE CAPITAL, LLC / SAGECREST  
3 PICKWICK PLAZA  
GREENWICH CT 06830

AMERICAN BANK  
1578 UNIVERSITY AVENUE W  
SAINT PAUL, MN 55104

AMERICAN EXPRESS BANK FSB  
C/O BECKET AND LEE LLP  
PO BOX 3001  
MALVERN PA 19355-0701

BARBARA LYNN CUTTER  
2350 S BEVERLY GLEN BLVD #5  
W LOS ANGELES CA 90064

BAYPORT MARINA ASSOCIATION  
200 5TH STREET  
BAYPORT MN 55003

BELISLE, WAYNE  
1843 EAGLE RIDGE DR  
SAINT PAUL MN 55118

BELLAGIO  
3600 LAS VEGAS BLVD  
LAS VEGAS NV 89109

BREICH, WALTER  
13670 -- 122ND STREET  
NORWOOD YOUNG AMERICA MN  
55368

BREMER BANK  
633 SOUTH CONCORD STREET,  
SUITE 350  
SOUTH ST. PAUL MN 55075

BRIGGS & MORGAN PA  
2200 IDS CENTER  
80 SOUTH EIGHTH STREET  
MINNEAPOLIS MN 55402

C AND C BOAT WORKS  
36448 CTY RD 66  
CROSSLAKE MN 56442

CA BOARD OF EQUALIZATION  
PO BOX 942879  
SACRAMENTO CA 94279-7072

CA DEPT OF MOTOR VEHICLES  
PO BOX 942869  
SACRAMENTO CA 94269-0001

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WAYZATA MN 55391

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WICHITA KS 67277

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6400 S FIDDLERS GREEN CIR.,  
STE. 700  
ENGLEWOOD CO 80111-4979

CITY OF ASPEN  
130 S. GALENA ST.  
ASPEN CO 81611

CITY OF BAYPORT  
294 N. 3RD STREET  
BAYPORT MN 55003

CITY OF MEDINA  
2052 CO RD 24  
HAMEL MN 55340

COMMUNITY NATIONAL BANK  
845 EAST COUNTY ROAD E  
VADNAIS HEIGHTS MN 55127

D&H DOCKS  
23624 SMILEY ROAD  
NISSWA, MN 56468

COOPERATIVE POWER  
P.O. BOX 69  
TWO HARBORS MN 55616

CORNERSTONE BANK  
2280 45<sup>TH</sup> STREET SOUTH  
FARGO, ND 58104

CROSSLAKE PROPERTY  
SOLUTIONS  
P.O. BOX 810  
CROSSLAKE MN 56442

CROW WING COUNTY  
TREASURER  
JUDICIAL CENTER  
213 LAUREL ST  
BRainerd MN 56401

DEERWOOD BANK  
611 WASHINGTON STREET NE  
BRainerd MN 56401-3377

DON GILBERT  
1700 PHEASANT RUN  
HUDSON WI 54016

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3003 TAMiami TRAIL NORTH, #100  
NAPLES FL 34103

EXXONMOBILE OIL  
CORPORATION  
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120 MCDONALD STREET SUITE B  
SAINT JOHN NB CANADA E2J 1M5

FAMILY HOLDINGS OF MN LLC  
11614 ECHO BAY DRIVE  
CROSSLAKE MN 56442

FIFTH THIRD BANK  
C/O RICHARD J. SWIFT, JR.  
GARLICK STETLER & SKRIVIAN  
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#100  
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GE CAPITAL  
1415 WEST 22ND STREET, SUITE  
600  
OAKBROOK IL 60523

GE CAPITAL, FLEET SERVICES  
3 CAPITAL DRIVE  
EDEN PRAIRIE MN 55344

GELCO CORPORATION  
THREE CAPITAL DRIVE  
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COSTA MESA CA 92626

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IRVINE CA 92619

GMAC MORTGAGE  
1100 VIRGINIA DRIVE  
FORT WASHINGTON, PA 19034

GMAC MORTGAGE  
P.O. BOX 4622  
WATERLOO IA 50704

GMAC, LLC  
15303 94TH AVENUE  
ORLAND PARK IL 60462

GWYN M DOENZ  
10600 COUNTRY DRIVE  
PINE CITY MN 55063

HECKER, SANDRA  
13755 - 84TH PL N  
MAPLE GROVE MN 55369

HENNEPIN COUNTY TREASURER  
300 S SIXTH ST  
A600 GOVERNMENT CNT  
MINNEAPOLIS MN 55487

HOLY CROSS ENERGY  
3799 HWY 82  
GLENWOOD SPRINGS CO 81602

HOME FEDERAL SAVINGS BANK  
1016 CIVIC CENTER DR NW  
STE 300  
ROCHESTER MN 55903

HSBC BANK NEVADA NA  
BASS & ASSOCIATES, PC  
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TUCSON AZ 85712

HYUNDAI MOTOR AMERICA  
10550 TALBERT AVE  
MOUNTAIN VALLEY CA 92708

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STE 2500  
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2900  
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MIKDEN PROPERTIES  
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MILWAUKEE WI 53202

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MCENROE, CATHERINE  
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MINNEAPOLIS MN 55402

MINNESOTA DEPT. OF REVENUE  
MAIL STATION 7701  
SAINT PAUL MN 55146-7701

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ROBERT  
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JP MORGAN CHASE BANK, N.A.  
726 MADISON AVENUE  
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KLEINBANK  
14141 GLENDALE ROAD  
SAVAGE MN 55378

LLOYD SECURITY  
1097 10TH SE  
MINNEAPOLIS MN 55414

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PARK RAPIDS MN 56470

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6340 IRVING AVE S.  
RICHFIELD MN 55423

PREMIER BANKS  
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ROSEVILLE MN 55113

PRESS A DENT INC  
1154 S HIGH ST  
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PROFESSIONAL SERVICE  
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STE B  
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BINDER & MALTER LLP  
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SANTA CLARA, CA 95050

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PROPERTIES  
73 N. BROADWAY  
FARGO ND 58102

RANDY'S SANITATION  
P.O. BOX 169  
DELANO MN 55328

RIVERLAND BANCORPORATION  
700 SEVILLE DRIVE  
JORDAN MN 55352

RIVERWOOD BANK  
LOAN PRODUCTION OFFICE  
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19181 SPENCER ROAD UNIT #15  
BRAINERD MN 56401

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1802 AIRWAVES RD NE  
PINE CITY MN 55063

SILVER CLIFF ASSOCIATION  
1201 CEDAR LAKE RD S.  
MINNEAPOLIS MN 55416

SOURCE GAS  
P.O. BOX 660474  
DALLAS TX 75266

ST. CROIX YACHT CLUB  
P.O. BOX 2263  
STILLWATER MN 55082

STATE OF MINNESOTA DEPT OF  
REVENUE  
600 NORTH ROBERT STREET  
ST. PAUL MN 55101

STORCHECK CLEANERS  
857 7TH STREET  
ST. PAUL MN 55106

SUMMERS PROPERTY  
MANAGEMENT  
111K AABC  
ASPEN CO 81611

TCF NATIONAL BANK  
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MINNEAPOLIS MN 55402

TCHIDA, BRYANT D., ESQ.  
LEONARD STREET & DEINARD  
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MINNEAPOLIS MN 55402

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SUITE 200  
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MINNETONKA MN 55305

TOYOTA MOTOR CREDIT CORP  
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MINNETONKA MN 55305

U.S. BANK  
BC-MN-H22A  
800 NICOLLET MALL, 22ND  
FLOOR  
MINNEAPOLIS MN 55402

US BANK VISA CARD  
P.O. BOX 790408  
ST. LOUIS MO 63179

VENTURE BANK  
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SUITE 120  
BLOOMINGTON MN 55437

VFS FINANCING, INC.  
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ATTN BETH BONELL  
DANBURY CT 06810

VICTORIA INSURANCE  
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DES MOINES IA 50391

VISION BANK  
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HOPKINS MN 55305

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GOVERNMENT CENTER  
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STILLWATER MN 55082

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FA  
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STOCKTON CA 95290

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PINE RIVER MN 56474-0677

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MINNEAPOLIS MN 55480-1353

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1843 EAGLE RIDGE  
MENDOTA HEIGHTS MN 55118

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C/O DAVID GALLE  
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WELLS FARGO BANK N.A.  
LOAN ADJUSTMENT GROUP  
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MINNEAPOLIS MN 55402

WELLS FEDERAL BANK  
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WELLS MN 56097

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ZAPPIA & LEVAHN  
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STUART ROZEN  
MAYER BROWN LLP  
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CHICAGO, IL 60606

MICHAEL B. LUBIC  
SONNENSCHN NATH &  
ROSENTHAL LLP  
601 S FIGUEROA ST STE 2500  
LOS ANGELES, CA 90017-5704

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

---

**ORDER AUTHORIZING EXPEDITED SALE OF ASSETS OF  
DEBTOR FREE AND CLEAR OF INTERESTS**

---

This case is before the court on the motion of Randall L. Seaver, trustee seeking an order authorizing a sale of assets free and clear of interests.

Based on the motion and the file,

**IT IS ORDERED:**

1. The trustee is entitled to expedited relief.
2. The trustee is authorized to sell the dock/lifts as described below to Dan Miller, or his assigns, for the sum of \$25,000.00, with the claimed liens of any claimed secured parties attaching to the sale proceeds with the same dignity and priority as those claimed liens held at the commencement of this case:

All docks and boat lift systems located at 11700 Cross Avenue, Crosslake, Minnesota including the following:

- (1) 5 x 8 aluminum framework dock section w/ vinyl panels
- (34) 5 x 10 aluminum framework dock section w/ vinyl panels
- (5) 4 x 12 aluminum framework dock w/ vinyl panels
- (12) 4 x 10 aluminum framework dock w/ vinyl panels
- (93) Brock dock pipe covers
- (2) ShoreStation 20100 boat lifts with 18' canopies
- (1) ShoreStation 10531 double PWC boat lift with 13' canopy
- (2) ShoreStation 1288 boat lifts with 18' canopies
- (1) ShoreStation 10621 boat lift
- (1) ShoreStation 50120 boat lift
- (2) telescoping 20 flag pole

- (2) dock bracket for telescoping flag pole
- (1) 6-step dock stairs
- (1) 6-foot vinyl aluminum dock bench
- (2) Carvel large dock box
- (2) dock box stand, aluminum
- (2) 36' covered stairs

3. The property and rights sold shall be free and clear of any interest in such property pursuant to 11 U.S.C. §363(a), (b) and (f) with such interests, if any, attaching to the proceeds of sale with the same priority, dignity and effect as such interests existed pre-petition.

4. The proceeds shall be deposited in the trustee's account and held subject to further order of the court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
U.S. Bankruptcy Judge

420703